



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

AGENDA
SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, June 22, 2010 at 7:00PM

Mayor and Commission

Roxanna Ross
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Albert Childress
Commissioner

Ana Garcia
Village Manager

John J. Hearn
Village Attorney

Maria Camara
Village Clerk

1 Call to Order

2 Roll Call

3 Public Comments Related to Agenda Items

4 New Business

Resolution 2010-19

A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA; **ACCEPTING DONATION**
OF ARTWORK TO THE VILLAGE; PROVIDING FOR AN
EFFECTIVE DATE

5 Final Public Comments

6 Announcements

All public meetings are held at the Ed Burke Recreation Center,
11400 NE 9th Court, Biscayne Park.

Tuesday, July 13, 2010 - Regular Commission Meeting at 7:00PM.

Please visit our website regularly at www.biscayneparkfl.gov and click
on the Calendar of Meetings & Events to view the full schedule.

7 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Village of Biscayne Park

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Mayor and Commission

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John J. Hearn
Village Attorney

Maria Camara
Village Clerk

June 17, 2010

To: Mayor Roxana Ross
Vice Mayor Bryan Cooper
Commission Bob Anderson
Commissioner Steve Bernard
Commissioner Bryan Cooper

From: Ana Garcia, Village Manager

Re: Resolution 2010-19: Accepting A Donation of Artwork to the Village

Background Analysis:

As one drives through our Village for the first time, there is a feel that this is an eclectic municipality with diversity in the landscape, in the architecture, and most refreshingly, in the people who make up our Village, the Village of Biscayne Park.

There is the lavender home on Griffing, the Southwestern style home on 117th, the Lehman home with the sculpture outside, the fountain on the corner of 7th and 119th, and many more other properties that make our Village unique. Frank Lloyd Wright has designed a house here, and so many of our residents are artists and or have a passion for art.

We have faced some challenges with loss of property values and foreclosures, and we are working to do our part to enhance the Village in ways such as crime prevention and working towards assisting our residents in code compliance. We are proud of the projects we are completing and the ones that are about to get started in landscaping and park enhancements.

We have received a wonderful opportunity for a donation of artwork, something that can be a positive event and the beginning of future art donations, exhibitions and grants for art to be displayed in our public spaces, medians, and parks. The Village will insure that the donation secured for the purchase of the artwork also covers **the cost of transportation and delivery**. The Clerk is looking into adding the artwork as an additional piece of insured property, as well as in kind services for installation.

Fiscal/ Budgetary Impact:

The Village of Biscayne Park to date has received and deposited checks totaling \$4,150 to cover the purchase and delivery of the artwork. Once verification is received that all checks have cleared, the Village will issue a check for the purchase and delivery of the artwork.

Recommendation:

It is recommended that the Village Commission adopt the attached Resolution accepting the donation to purchase the "Triax Gamma" sculpture by Bilhenry.

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RESOLUTION NO. 2010-19

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA; ACCEPTING
DONATION OF ARTWORK TO THE VILLAGE; PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, a group of residents of the Village of Biscayne Park has offered to donate a
an original art sculpture to the Village (the “Art Donation”), which is described in Exhibit “A”
attached hereto; and

WHEREAS, the Art Donation includes transportation and delivery; and

WHEREAS, the Village recognizes that Art in Public Places is strongly encouraged by
Miami-Dade County; and

WHEREAS, Staff respectfully requests that the Commission of the Village of Biscayne
Park authorize the Village Manager to accept the gift of the original art sculpture by artist
Bilhenry Walker from the residents of the Village as an addition to the Village’s Art in Public
Places collection.

WHEREAS, the Village Commission finds that acceptance of the Art Donation is in the
best interest of the Village.

**NOW THEREFORE BE IT RESOLVED BY THE COMMISISON OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

Section 1. That the above stated recitals are herby confirmed and adopted.

Section 2. That the Village Manager is hereby authorized to accept the Art Donation, on
behalf of the Village, subject to approval of the Village Attorney as to the form and legal sufficiency
of the Art Donation transaction.

Section 2. That this Resolution shall become effective immediately upon adoption
hereof.

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PASSED AND ADOPTED this _____ day of _____, 2010.

**The foregoing resolution upon being
Put to a vote, the vote was as follows:**

Roxanna Ross, Mayor

Attest:

Mayor Ross _____
Vice Mayor Cooper _____
Commissioner Anderson _____
Commission Bernard _____
Commissioner Childress _____

Village Clerk

Approved as to form:

John J. Hearn, Village Attorney

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DONATION TO MUNICIPALITY

The undersigned parties (the “Donor”), do hereby this ____ day of _____, 2010, donate to the Village of Biscayne Park, Florida, a Florida municipality (the “Village”), funds for the purchase of a sculpture, known as “Triax Gamma” (“Sculpture”), created by renowned sculptor Bilhenry Walker.

I. Conditions

This donation is made subject to the condition that the Sculpture be displayed at Griffing Park, and that, except as provided below, the Village shall not sell or transfer title to said Sculpture to any other person. However, these conditions shall not prohibit the Village Manager from temporarily relocating the Sculpture in the event of renovation to Griffing Park or from relocating the Sculpture to other locations within the boundaries of the Village, so long as such other locations are determined by the Village Manager to be of substantially equal prominence and accessibility. Likewise, the restriction upon alienation of the Sculpture shall not prohibit the Village Commission from conveying or lending the Sculpture to the State of Florida, Miami-Dade County, or to any other Miami-Dade County municipality for public display at a museum or other suitable public facility. Further, the restriction upon the alienation of the Sculpture shall expire after twenty (20) years from the date of the dedication.

II. Delivery; Installation

Donor, at their sole cost and expense, shall provide for the delivery of the Sculpture to Griffing Park for installation and display by the Village in accordance with the advice of the sculptor. The Village shall install a suitable plaque stating: “Triax Gamma, Bilhenry Walker, Sculptor, donated by Residents of the Village of Biscayne Park”.

III. Charitable Contribution

A. Donor understands that this donation may enable Donor to claim a deduction for purposes of federal income tax, but recognizes that Donor must contact their own tax attorney or accountant for matters regarding entitlement to the deduction, record keeping requirements and limitations on the amount of any tax deduction, as well as related issues.

B. The Village shall utilize the donation for municipal purposes as authorized by the provisions of Florida law applicable to a municipality.

Donor:

By: _____

Alfred Jonas

By: _____

Chester Morris

By: _____

Charles Ross

By: _____

Andrew Olis

By: _____

Doug Tannenhill

ACCEPTED BY THE VILLAGE OF BISCA YNE PARK

The above-described donation is hereby accepted by the Village of Biscayne Park pursuant to authorization of the Village Commission this ____ day of June, 2010. Upon receipt of delivery of the donated property, the Village shall execute the receipt provided below.

VILLAGE OF BISCA YNE PARK

By: _____

Mayor Roxanna Ross

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2 Attest:

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4 _____
5 Maria Camara, Village Clerk
6

7 Approved as to Form and Legal Sufficiency:

8
9 _____
10 John J. Hearn, Village Attorney
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14 **RECEIPT**

15 The Village of Biscayne Park hereby confirms that it has received delivery of the donated
16 Sculpture which is described above on the ____ day of _____, 2010, subject to the terms
17 and conditions set forth above.
18

19 VILLAGE OF BISCAYNE PARK
20

21 By: _____
22 Ana Garcia, Village Manager
23
24

25 ATTEST:

26
27 _____
28 Maria Camara, Village Clerk

Alfred G. Jonas, MD
Psychiatry

918 NE 119 Street • Biscayne Park, FL 33161-6444
Ph: (305) 891-5030 • Fax: (305) 891-0502 • Cell: (305) 542-9719

Ana Garcia, Manager
Village of Biscayne Park
Biscayne Park FL 33161

June 6, 2010

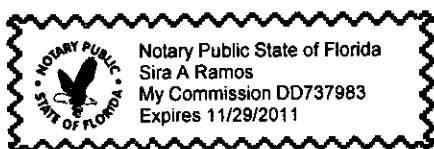
Dear Ana:

I would like to present to the Village an outdoor metal sculpture. This is anticipated as a gift from me and some of my friends and neighbors, for the purpose of enhancing the place where we live. As we have many public spaces, I would leave it to your discretion, or that of the Commission, to determine where precisely the sculpture should be placed. I am assuming the piece in particular appeals sufficiently that it would be acceptable and worthy of inclusion in our Village. Someone, you and/or the Commission, will have to make that determination. You always treat the Village as if it were your own home, and I have no doubt you will use the same eye and sensibility in this instance. For what it's worth, I personally like this piece very much, I would include it on my own property if I had room, and the artist is known and highly regarded in his field.

I'm writing to you now for two reasons. One is to inform you officially of this gift. The second is to ask you to help me and my "partners" in this gesture to arrange a method of our paying for the sculpture. We could simply buy the piece, paying the sculptor with our aggregate check or separate checks. There is nothing wrong with this method of payment. However, if any or each of us wishes to consider the gift a tax-deductible event, which we probably do, it becomes a bit tricky to have each of us make a declaration supported by a check made out to a sculptor, and even trickier if one of us pays the sculptor, and the others reimburse the one. So what I am requesting is that the check to the sculptor come from the Village, and each of us will make his own check to the Village. This is much easier to track, and the check to the Village, let's say to the Foundation, is an easy deductible event. Further, because of timing issues regarding the particular piece, it would work best if the check from the Village could be made very soon, maybe in the next two or three days. This letter to you serves as my promise and guarantee that every penny of the check the Village will write will be reimbursed, most likely within the next couple weeks or a month. The cost of the sculpture, which is highly discounted because of a connection I have, will be \$4000, and there will be about another hundred dollars or so in delivery and transportation costs. In fact, there will probably be two checks: one to the mover, and the other to the sculptor.

Please get back to me ASAP to let me know if you will receive this gift, and if the Village can provide the checks up front. Thanks.

Alfred



*Subscribed before me this
7 day of June, 2010*

Sira A Ramos

village clerk

From: Ana M. Garcia [villagemanager@biscayneparkfl.gov]**Sent:** Tuesday, June 15, 2010 2:51 PM**To:** 'Maria Camara at BP'; attyhearn@aol.com**Subject:** FW: Review of donated art work/\$

Maria please add to back up, thanks.

From: Alfred Jonas [mailto:fredjonasmd@hotmail.com]**Sent:** Tuesday, June 15, 2010 12:10 PM**To:** Ana Garcia**Cc:** carospa@bellsouth.net; Andrew Olis; morriscsm@aol.com; rox@roxross.com; anderson11905@gmail.com; sbernard@biscayneparkfl.gov; bcooper839@yahoo.com; albertchildress@yahoo.com**Subject:** Review of donated art work/\$

Ana,

It occurred to me that I may not have been clear as to what this issue is, and what the finances are. If I wasn't clear, I apologize, and I would like to be clear now.

Some of my friends and I have decided to buy a metal outdoor sculpture, a true work of sculptural art made by a known sculptor, and to donate it to the Village of Biscayne Park, where all of us live. That is, we have selected a sculpture we all like, and which we feel is in no way artistically provocative, we have committed to buy it ourselves, and we are giving it to the Village. We are asking for no compensatory consideration of any kind. I hope I am clear so far. This is a gift to the Village from some of its residents. That is all.

As for the money, we are responsible for total payment for this piece of art. It has a cost, which, I'm pleased to say, is much less than its market or gallery value, and there is an additional cost to bring it from where it is now, on N 36th Street at about Miami Avenue, to the Village. We are also taking full responsibility for this cost. Thus, acquisition of this "project" will cost the Village of Biscayne Park nothing. In order to pay for this sculpture, and its relocation to the Village, money has to be paid to the sculptor and to the mover. Our plan was frankly to be able to realize a tax deduction for the gesture we are making to the municipality in which we live and to which we are donating the sculpture. I hope you will not interpret this as selfish on our part. The mechanism we chose to get this deduction to happen most easily and clearly was to donate money to the Village, and have the Village write the checks to the sculptor and the mover. It is easier to call a check written to the Village tax-deductible than to call a check written to an artist tax-deductible. It's certainly possible, but it's a little more complicated. So what we are doing is diverting money through the Village account. It is precisely the same amount of money, to the penny. To complicate matters slightly, there are two eventualities that conspired to create a timing problem. One is that the sculptor, for whatever are his reasons, would like to be paid now, or soon. The other is that not all possible donors have yet been identified to date, or they have not yet specified their contributions. So what I asked of the Village was that it agree to write the two checks, to the sculptor and the mover, now, and I promised, in writing, to cover the entire amount shortly. You have already received all or most of the contributions, but you have not received mine, because I was planning not to write a check until everyone else did, since the amount of my contribution depends on the amounts of everyone else's. So in that sense, I don't know what my contribution is until all others have been made, or even declared.

6/15/2010

The bottom line is that we are giving the Village something, for free, and we were asking for some logistic help, or maybe I was asking for the help, to make the tax-deductible part of this easy for us. "Easy" is not the same as essential, however, and if this offends anyone, or makes them nervous, I will cover the balance now, and deal with possible other, late contributions later, if they come.

The other issue about contributions, though it has nothing to do with the Village, is that if abundant contributions come through, such that the "remainder" is less for me than the next highest declared contributor already pledged and paid, my proposal to my partners was to lower that next highest contribution, so that none of us will pay more than I do. That, too, suggested the value in having the Village write the checks in advance, and the contributors would settle up with each other later. Again, this is not essential. It just makes things easier for us.

I hope this is clear now. If it isn't, to you or to anyone else, please permit me another chance to clarify and explain. If anyone isn't clear and has specific questions, I will be happy to answer them. You, or anyone who has questions, can provide me with the questions, and I will provide answers.

Just to reiterate, this is a community gesture on the parts of some of the community residents. You might say it is partly in our own self-interest, in that we are proposing to enhance the community in which we ourselves live. Or you could say the gesture is made from "the goodness of our hearts," whatever that is about for each of us. The bottom line is that this is a gift, and I promise you there is no need to look the gift horse in the mouth, as they say.

I hope I have not left any of this ambiguous. If I have, please let me know.

Fred

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.829 / Virus Database: 271.1.1/2937 - Release Date: 06/15/10 02:35:00

BILHENRY WALKER RESUME

EDUCATION:

Wheaton College BA
Fuller Theological Seminary MA

PUBLIC COMMISSIONS:

Providence Parks Dept	Providence, RI	Juried	2003
Providence Parks Dept	Providence, RI	Juried	1998
Providence Parks Dept	Providence, RI	Juried	1996
Milwaukee Riverwalk	Milwaukee, WI	Juried	1998

EXHIBITIONS:

Art Rouge Gallery "Sculpt Miami"	(sculpture installation) Miami FL	Group	2009
Art on the River	(sculpture installation) Dubuque IA	Group	2009
Quad City Arts	(sculpture installation) Davenport IA	Group	2009
Milwaukee Riverwalk	(sculpture installation) Milwaukee WI	Group	2008
Art Rouge Gallery "Sculpt Miami"	(sculpture installation) Miami FL	Group	2008
Sandra Neustadter Gallery	Delray Beach, FL	Group	2008
Salem Art Works	(sculpture installation) Salem, NY	Group	2008
Downtown Sculpture Partnership	(sculpture installation) Colorado Springs, CO	Group	2007
Flossmore Art Downtown installation	(sculpture installation) Flossmore, IL	Solo	2007
Catalano Park Installation	(sculpture installation) Milwaukee, WI	Solo	2004
Illinois Institute of Technology	Chicago, IL	Solo	2006
Niemi Sculpture Gallery	Kenosha, WI	Group	2005
Old Dominion Sculpture Expo	(sculpture installation) San Antonio, TX	Invitational	2003
Bethel University Olson Gallery	St. Paul, MN	20 Year Retro	2003
Cima Gallery	West Palm Beach, FL	Group	2002
Art in Downtown Installation	(sculpture installation) Ft. Lauderdale, FL	Juried	2001
Pierwalk 2000 Maquette Show	Chicago, IL	Invitational	2000
Vedanta Gallery	Chicago, IL	Juried	1999
Wood Street Gallery	Chicago, IL	Juried	1998
Rockville Civic Center Park	(sculpture installation) Rockville, MD	Juried	1997
Pierwalk '97 (International)	(sculpture installation) Chicago, IL	Juried	1997
Wood Street Gallery	Chicago, IL	Invitational	1997
Convergence IX International	(sculpture installation) Providence, RI	Juried	1996
Fine Art Celebration	(sculpture installation) Scottsdale, AZ	Juried	1996
West Palm Beach Armory	(sculpture installation) West Palm Beach, FL	Juried	1995
Ann Norton Sculpture Garden	(sculpture installation) West Palm Beach, FL	Juried	1995
Royal Palm Sculpture Garden	(sculpture installation) Vero Beach, FL	Juried	1993
South Bend Reg. Art Museum (Best Of Show)	(sculpt install) South Bend, IN	Juried	1992
St John's Uihlein Peter's Gallery	(sculpture installation) Milwaukee, WI	Juried	1992
Edgewood Orchard Gallery	(sculpture installation) Fish Creek, WI	Invitational	1988

Chicago International Expo (Struve Gallery) (sculpture install)	Chicago, IL	Invitational	1988
Chicago International Expo (Struve Gallery) (sculpture install)	Chicago, IL	Invitational	1987
Sandra Neustadter Gallery	Delray Beach, FL	Group	2008
ANEW Museum	Miami FL	Group	2008
Michael Lord Gallery	Milwaukee, WI	Invitational	1984
Beasley Gallery	San Diego, CA	Two-Person	1981
Dubbins Gallery	Los Angeles, CA	Two-Person	1980
Hokin Gallery	Palm Beach, FL	Two- Person	1979
Art Expo '79	New York, NY	Group	1979
Washington Art Expo	Washington, DC	Group	1978
Wheaton College	Wheaton, IL	10 Year Retro	1977
Gilman Gallery	Chicago, IL	Group	1977
Milwaukee Cudahy Gallery	Milwaukee, WI	Juried	1976
Benjamin Gallery	Chicago, IL	Invitational	1975

CORPORATE COLLECTIONS:

Allen Bradley Corp	Milwaukee
Arthur Anderson & Co.	Milwaukee
Andrae Electric	Milwaukee
ASEA Corp	Milwaukee
Arthur Young Accountants	Los Angeles
Bank of America	Denver
Del Corp	Chicago
G.A. Larson Co	Milwaukee
General Electric	Milwaukee
Pfister & Vogel Corp	Milwaukee
Softworks Development Corp	Milwaukee